

REMARKS

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

Claims 1-40 were pending in this application. Claims 25-40 have been withdrawn without prejudice with leave to file a Divisional Application.

Claims 14 and 15 are cancelled by this Amendment. Therefore, upon entry of the present Amendment claims 1-13, and claims 16 to 24 are under re-consideration.

Applicant's election of 1-24 in the reply filed on 3/2/06 is acknowledged as being without traverse.

Claims 25-40 are withdrawn from the examination process. A Divisional application drawn to claims 25-40 will be filed by the Applicants.

Claim Objections

Examiner has objected to claims 3-5, 7, & 16-18 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner has allowed Claims 8-12 & 19-24. Applicant wishes to thank the Examiner for allowable subject matter.

Claim 16 has been rewritten in independent form including all of the limitations of base claim 15. Claims 17 and 18 are dependent from claim 16. Thus, claims 16-18 are in condition for allowance.

The Examiner provided the reasons for allowance as:

"the system stores a received time relative to the timing , the receive time being indicative of a time that the packet is expected to be received by the receiver and an acknowledgment resolving component that extracts an acknowledgement time form an acknowledgement and determines if the acknowledgement time corresponds to the receive time of the packet, as specified in claims 8 & 19

"means for recording a time at which the packet is expected to be received" as specified in claim 24.

Claim Rejections - 35 USC §102

The Examiner has rejected claim 1 under 35 U.S.C. §102(e) as being anticipated by Hui (U.S. Patent No.; 6,470,057).

Applicants have amended claim 1 to have the limitation of the sender further comprising a store for storing an expectation time based on the delay. This is an apparatus element with the function of the adjusting step of claim 7. The Examiner has indicated that claim 7 is allowable. Claim 7 has been amended to remove the method step to cure any mixed apparatus/method claiming issues under 35 USC §112.

Support can be found in paragraph [0030].

The Examiner has rejected claim 13 under 35 U.S.C. §102(e) as being anticipated by Lundh (U.S. Patent No.; 6,577,872).

Applicants have amended claim 13 to included the limitations of claim 14 which has an offset determiner that computes a delay and a further limitation of a memory location for storing an expectation time value representing the time an acknowledgement is expected to be received by the time sender based on the delay. Claim 13 as amended is in the spirit of the reasons for allowance and applicant submits that Lundh alone or in combination does not disclosed or suggest the combination of limitations in amended claim 13. Thus, claim 13 is in condition for allowance.

The Examiner rejected claim 15 under 35 U.S.C. §102(e) as being anticipated by Norman (U.S. Patent No.; 6,366,786). Applicant has cancelled claim 15 so this rejection is moot.

Claim Rejections - 35 USC §103

The Examiner has rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Hui (U.S. 6,470,057 B1) in view of Taylor (US 2002/0131398).

Claim 2 is dependent upon claim 1 and Applicants have amended claim 1 to have the limitation of the sender further comprising a store for storing an expectation time based on the delay. This is an apparatus element with the function of the adjusting step of claim 7. The Examiner has indicated that claim 7 is allowable.

The Examiner has rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Hui (U.S. 6,470,057 B I).

Claim 6 is dependent upon claim 1 and Applicants have amended claim 1 to have the limitation of the sender further comprising a store for storing an expectation time based on the delay. This is an apparatus element with the function of the adjusting step of claim 7. The Examiner has indicated that claim 7 is allowable.

Applicant believes this application and claims 1-13, and 16 to 24 to be in a condition for allowance. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

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